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NAVADMIN 398/02

MSGID/GENADMIN/CNO WASHINGTON DC/-/DEC//

SUBJ/RESPONSIBILITY FOR NATIONAL SECURITY CASES//

REF/A/DOC/JAG/03OCT1990// REF/B/DOC/SECNAV/17MAR1999// NARR/REF A IS JAGINST 5800.7C, JAGMAN/REF B IS SECNAVINST 5510.36 (CHAP 12 PERTAINS)// RMKS/1. THIS NAVADMIN HIGHLIGHTS MAJOR CHANGES IN SECTIONS 0126 AND 0159 OF REF A AND IN CHAPTER 12 OF REF B WHICH CLARIFY RESPONSIBILITIES AT ALL LEVELS OF COMMAND FOR IDENTIFYING, INVESTIGATING, REPORTING AND DISPOSING OF JAGMAN-DEFINED NATIONAL SECURITY CASES. THE CHANGES HAVE BEEN APPROVED BY SECNAV AND ARE EFFECTIVE IMMEDIATELY. THE FULL TEXT OF THESE CHANGES IS AVAILABLE AT WWW.JAG.NAVY.MIL UNDER JAG TOOLS", "JAG VIRTUAL LIBRARY", "INTERIM CHANGE TO JAGMAN 0126 AND 0159." THESE CHANGES MUST BE READ IN THEIR

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ENTIRETY AND MUST BE PRINTED AND INCORPORATED INTO REFS A AND B. THEY WILL APPEAR IN THE NEXT PRINTED CHANGES TO REFS A AND B. 2. HIGHLIGHTS. THE CHANGES ACCOMPLISH THE FOLLOWING. A. PROVIDE CLEAR CRITERIA FOR DESIGNATION AS A "NATIONAL SECURITY CASE." IN GENERAL, A NATIONAL SECURITY CASE IS ONE WHICH, TO ANY SERIOUS DEGREE, INVOLVES THE COMPROMISE OF A MILITARY OR DEFENSE ADVANTAGE OVER ANY FOREIGN NATION OR TERRORIST GROUP; INVOLVES WILLFUL COMPROMISE OF CLASSIFIED INFORMATION; AFFECTS OUR CAPABILITY TO RESIST HOSTILE OR DESTRUCTIVE ACTION; OR INVOLVES AN ACT OF TERRORISM. NATIONAL SECURITY CASE DISPOSITION AUTHORITIES (NSCDAS) ARE SENIOR LINE COMMANDERS WHO MAKE THE DETERMINATION THAT THE CRITERIA FOR DESIGNATION HAVE BEEN MET AND THEY ARE RESPONSIBLE FOR THE DISPOSITION OF SUCH CASES. NSCDAS ARE IDENTIFIED IN PARA 3 BELOW. B. LIST THE CRIMINAL OFFENSES TYPICALLY INVOLVED IN NATIONAL SECURITY CASES, E.G., WILLFUL COMPROMISE OF CLASSIFIED INFORMATION, ESPIONAGE, SABOTAGE AND TERRORISM. C. REQUIRE COMMANDERS TO IMMEDIATELY REFER TO NCIS ANY CASE THAT HAS THE POTENTIAL TO BE A NATIONAL SECURITY CASE. D. REQUIRE COMMANDERS TO INITIATE AND COMPLETE A PRELIMINARY

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INQUIRY INTO A POTENTIAL NATIONAL SECURITY CASE WITHIN 72 HOURS. E. REQUIRE COMMANDERS AND NCIS TO NOTIFY THE COGNIZANT NSCDA AND JAG (CODE 17) NATIONAL SECURITY LITIGATION AND INTELLIGENCE LAW DIVISION WITHIN THE SAME 72 HOURS IF THE PRELIMINARY INQUIRY OR NCIS INVESTIGATION INDICATE THE CASE MAY MEET NATIONAL SECURITY CASE CRITERIA. F. REQUIRE COMMANDERS, THE CONVENING AUTHORITY, OR THE SJA TO REPORT TO JAG (CODE 17) ALL CASES THAT INVOLVE CLASSIFIED INFORMATION, REGARDLESS OF STATUS AS A NATIONAL SECURITY CASE, WHEN CRIMINAL PROSECUTION IS CONTEMPLATED; WHENEVER A MAJOR DEVELOPMENT IN THE CASE OR INVESTIGATION OCCURS; OR AT LEAST EVERY 30 DAYS. 3. THE FOLLOWING OFFICERS ARE DESIGNATED NSCDAS AND SHALL ASSUME THIS ROLE FOR SUBORDINATE COMMANDS:

- (1) CHIEF OF NAVAL OPERATIONS
- (2) COMMANDANT OF THE MARINE CORPS
- (3) VICE CHIEF OF NAVAL OPERATIONS
- (4) ASSISTANT COMMANDANT OF THE MARINE CORPS
- (5) COMMANDERS, U.S. ATLANTIC AND PACIFIC FLEETS,
AND U.S. NAVAL FORCES, EUROPE

(6) COMMANDER, U.S. NAVAL FORCES CENTRAL COMMAND

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- (7) COMMANDERS, U.S. MARINE FORCES, ATLANTIC AND PACIFIC
- (8) COMMANDERS, SIXTH AND SEVENTH FLEETS
- (9) COMMANDERS, NAVAL AIR, SUBMARINE, AND SURFACE FORCES, U.S. ATLANTIC AND PACIFIC FLEETS
- (10) CHIEF OF NAVAL EDUCATION AND TRAINING
- (11) COMMANDING GENERAL, MARINE CORPS COMBAT DEVELOPMENT COMMAND, QUANTICO, VA
- (12) COMMANDING GENERAL, MARINE CORPS BASES, JAPAN AND
- (13) COMMANDING GENERALS, MARINE CORPS BASES, CAMP LEJEUNE AND CAMP PENDLETON.

COMMANDER, U.S. ATLANTIC FLEET, IS THE NSCDA FOR ALL NAVY ECHELON II COMMANDS WHICH ARE NOT THEMSELVES NSCDAS. 4. RESPONSIBILITY OF NSCDAS. ACT TO DETERMINE WHETHER THE CASE IS INDEED A NATIONAL SECURITY CASE AS EXPEDITIOUSLY AS POSSIBLE AND OVERSEE THE DISPOSITION OF THE CASE. THE NSCDA SHALL DEVELOP AND IMPLEMENT A PLAN OF ACTION AND MILESTONES TO ACHIEVE THIS GOAL FOR EACH CASE. 5. REPORTING REQUIREMENTS OF NSCDAS. ONCE INFORMED OF A POTENTIAL NATIONAL SECURITY CASE, THE NSCDA SHALL REPORT TO CNO WASHINGTON DC/N09/DNS/N09N/N09N2/N09BL ON THE STATUS OF THE CASE EVERY 15 DAYS

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VIA SITREP UNTIL IT IS DETERMINED THAT THE CASE IS NOT A NATIONAL SECURITY CASE OR UNTIL IT IS RESOLVED BY COURT CONVICTION, ACQUITTAL, OR OTHER FINAL DISPOSITION. INCLUDE CNO(N2) IN THE REPORT FOR ALL CASES INVOLVING SENSITIVE COMPARTMENTED INFORMATION OR INTELLIGENCE INFORMATION (I.E., INTELLIGENCE SOURCES OR METHODS, NOFORN MATERIAL). EACH REPORT SHALL INCLUDE THE SUSPECT'S NAME AND COMMAND; DATE(S) OF OFFENSE(S) AND DISCOVERY OF THE OFFENSE(S); DATE NCIS BEGAN INVESTIGATION; CLEAR DESCRIPTION OF THE NATURE AND SENSITIVITY OF THE INFORMATION INVOLVED, AND THE SUSPECTED OFFENSE(S); DATE NSCDA TOOK COGNIZANCE; DATE OF PREFERRAL AND REFERRAL OF CHARGES (IF ANY); DATE PRETRIAL CONFINEMENT OR OTHER RESTRAINT IMPOSED (IF ANY); A SUMMARY OF THE PLAN OF ACTION AND MILESTONES TO DISPOSITION; NSCDA POINTS OF CONTACT; AND THE OFFICIAL RESPONSIBLE FOR THE NEXT STEP, AS OF THE TIME OF THE REPORT. 6. IMMEDIATELY FILE THIS NAVADMIN WITH REFS A AND B ALONG WITH THE FULL TEXT OF THE CHANGES. 7. RELEASED BY ADM WILLIAM J. FALLON, VCNO.// BT

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DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20350

SECNAVINST 5510.36
09N

17 March 1999

SECNAV INSTRUCTION 5510.36

From: Secretary of the Navy
To: All Ships and Stations

Subj: DEPARTMENT OF THE NAVY (DON) INFORMATION SECURITY PROGRAM
(ISP) REGULATION

Encl: (1) Subject regulation

1. Purpose

a. To establish uniform ISP policies and procedures.

b. To implement Executive Order (E.O.) 12958, "Classified National Security Information," which directs agencies to observe the democratic principles of openness and the free flow of information, as well as to enforce protective measures for safeguarding information critical to the national security.

c. To incorporate policies and procedures established by other executive branch agencies.

2. Cancellation. SECNAVINST 5510.30A, "Department of the Navy (DON) "Personnel Security Program Regulation," (PSP) cancels chapters 20 through 24 of OPNAVINST 5510.1H of 29 April 1988, "Department of the Navy Information and Personnel Security Program Regulation." Report Symbols OPNAV 5510-6F and 5510-6Q are also cancelled. Enclosure (1) (hereafter referred to as "this regulation") cancels the remainder of OPNAVINST 5510.1H which addressed the ISP and the National Industrial Security Program (NISP).

3. Objective. To achieve uniform implementation of ISP policy and procedures throughout the DON by pro-active command programs that accomplish the purpose of enclosure (1). Further, this regulation and SECNAVINST 5510.30A complement each other and have been coordinated to achieve compatibility.

4. Scope. This regulation encompasses all classified national security information (NSI) classified under E.O. 12958, and predecessor orders, and special types of classified and controlled unclassified information outlined in chapter 1. It applies to all commands and to all military and civilian personnel of the DON.

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5. Summary of Changes. Major changes to this regulation were mandated by E.O. 12958 concerning classified NSI and E.O. 12829 concerning the NISP; a revised Director of Central Intelligence Directive (DCID) on security controls for the dissemination of intelligence information; a Department of Energy (DOE) regulation on nuclear classification and declassification; and a reissued Department of Defense (DoD) 5200.1-R on the ISP. Changes in this regulation include:

a. **General**. Issues this regulation as a Secretary of the Navy instruction to include the United States Marine Corps; updates and verifies all citations and references; consolidates related subjects; and reorganizes policies and procedures into chapters reflecting a life-cycle concept of classified information, from creation to disposition.

b. **Chapter 1. Introduction to the ISP**. Defines the "Purpose" to encompass the implementation of all laws, E.O.s, federal regulations, DCIDs and DoD guidance on the ISP and related programs; provides guidance on the NISP; includes references to controlled unclassified information; prescribes basic policy guidance; addresses combat operations; discusses waivers and exceptions, and alternative or compensatory measures; and outlines the new national, DoD and DON organizations for security matters.

c. **Chapter 2. Command Security Management**. Redefines responsibilities and duties of the commanding officer, security manager and other security positions; emphasizes the requirement for supervisors to evaluate command personnel performing security duties; emphasizes the importance of classification challenges when appropriate; provides emergency planning guidance; deletes security points of contact; and updates forms, reports and the security inspection checklist.

d. **Chapter 3. Security Education**. States the security education requirements unique to the ISP; cites the SECNAVINST 5510.30A as the regulation covering all other security education requirements.

e. **Chapter 4. Classification Management**. Combines previous chapters on classification, upgrading, declassification and downgrading; states E.O. 12958 classification criteria, discusses classification challenges, rules for duration of classification, provisions for automatic declassification; requires training of Original Classification Authorities (OCAs); and updates the OCA listing.

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- f. **Chapter 5. Security Classification Guides (SCGs).** Updates the list of Retrieval and Analysis of Navy Classified Information (RANKIN) Program guides; and provides guidance on resolving conflicts between source documents and SCGs.
- g. **Chapter 6. Marking.** Consolidates and expands marking guidance, to include intelligence information and Naval Nuclear Propulsion Information (NNPI); prescribes new marking requirements, including the marking requirements for controlled unclassified information; and provides an expanded marking exhibit.
- h. **Chapter 7. Safeguarding.** Consolidates all safeguarding requirements for classified NSI; the policy concerning the reproduction of classified information; adds control measures governing special types of classified and controlled unclassified information; updates working paper guidance; eliminates two-person integrity and the entry/exit program; and adds policy for alternative or compensatory control measures.
- i. **Chapter 8. Dissemination.** Consolidates guidance on dissemination, to include distribution statements for technical documents and prepublication review of information proposed for public release.
- j. **Chapter 9. Transmission or Transportation.** Consolidates and condenses previous guidance; updates policy on the use of the General Services Administration (GSA) contract carrier; clarifies use of the form DD 2501; and adds an exhibit concerning transmission to foreign governments.
- k. **Chapter 10. Storage and Destruction.** Updates storage and secure room construction standards and policy governing frequency of combination changes; and eliminates the required use of form OPNAV 5511/12, "Classified Material Destruction Report," to record the destruction of classified information.
- l. **Chapter 11. Industrial Security Program.** Consolidates and updates all policies and procedures for implementation of the NISP.
- m. **Chapter 12. Loss or Compromise of Classified Information.** Prescribes actions to take in the event of a security discrepancy, loss or compromise of classified information; and provides expanded exhibits concerning

SECNAVINST 5510.36 CH-1
19 June 2000

Preliminary Inquiry and Judge Advocate General Manual (JAGMAN) Investigation narrative formats.

6. **Action.** Each DON commanding officer shall establish and conduct an ISP in compliance with this regulation.

7. **Violations of this Regulation**

a. **Military Personnel.** Military personnel are subject to disciplinary action under the Uniform Code of Military Justice (UCMJ), or criminal penalties under applicable Federal Statutes, as well as administrative sanctions, if they knowingly, willfully or negligently violate the provisions of this regulation.

b. **Civilian Employees.** Civilian employees are subject to criminal penalties under applicable Federal Statutes, as well as administrative sanctions, if they knowingly, willfully or negligently violate the provisions of this regulation.

8. **Records Disposition.** Disposition requirements for records related to the ISP are based upon schedules approved by the Archivist of the United States and listed in SECNAVINST 5212.5D, Navy and Marine Corps Records Disposition Manual.

9. **Reports and Forms**

a. **Reports.** The reporting requirements imposed by this regulation have been approved by the Navy Records Manager and are assigned the report control symbols identified in appendix C.

b. **Forms.** Information regarding procurement of forms used in the ISP appears in appendix B.

Richard Danzig

Distribution:
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